IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1386 OF 2006

IN

SUIT NO.562 OF 1983

Jitendra Mansukhlal Parekh ...Plaintiff

V/s.

Bhagwandas Chauhan ...Defendant.

None for the plaintiff.
Mr. R.R.Yadav for the defendant.

CORAM : S.J. VAZIFDAR J.

DATE : 16TH JULY, 2007.

P.C. :-

1. The plaintiff is absent. In any event it is difficult to accept any of the statements mentioned in the affidavit in support.

2. The plaintiff seeks an order recalling the order dated 17th October, 2003 by which the suit was allowed to be withdrawn. The plaintiff alleges that she never gave such instructions. In paragraph 5 the plaintiff admits that she was informed in June, 2004 about said order. Despite the same this notice of motion is filed on 26th April, 2006 after almost two years. There is nothing to suggest that in the meantime the plaintiff took any steps for recalling the said order. Nor is there anything to suggest that the plaintiff protested about the same effectively with her advocate.

3. In the circumstances, the notice of motion is dismissed.